REMARKS

Claims 1-24 are pending in the Application, and all have been rejected in the Office action mailed January 8, 2007. Claims 1, 6-8, 11, 14-16, 22 and 23 are amended, and new claims 25-33 are added by this response. Claims 1, 16 and 25 are independent claims. Claims 2-15, 17-24, and 26-33 depend from independent claims 1, 16 and 25, respectively.

The Applicant respectfully requests reconsideration of the pending claims 1-24 and consideration of new claims 25-33, in light of the following remarks.

Rejections of Claims

Rejections under 35 U.S.C. §101

Claims 1-15 were rejected under 35 U.S.C. §101 because the claimed invention is allegedly directed to non-statutory matter. Applicants respectfully traverse the rejection. However, Applicants have amended claims 1, 6-8, 11, 14-15 in an effort to more clearly describe the subject matter of the claims. Applicants respectfully submit that claims 1-15 as amended describe patentable subject matter, and respectfully request that the rejection of claims 1-15 under 35 U.S.C. §101 be withdrawn.

Rejections under 35 U.S.C. §102

Claims 1-24 were rejected under 35 U.S.C. §102(e) as being anticipated by Gu, et al. (US 6,925,467, hereinafter "Gu"). The Applicants respectfully traverse the rejection.

With regard to the anticipation rejections, MPEP 2131 states, "[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631 2 USPQ2d 1051, 1053 (Fed.Cir. 1987). MPEP 2131 also states, "[t]he identical invention must be shown in as complete detail as is contained in the ... claim." Richardson v. Suzuki Motor Co., 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

With regard to amended claim 1, Applicants respectfully submit that Gu does not appear to teach, suggest or disclose, for example, a network for updating contents of memory comprising an existing code version in an electronic device, the network comprising an electronic device including an update environment arranged to first process update information representative of shifting of objects within the existing code version to align with locations of corresponding objects in an updated code version, the first process producing a modified existing code version, and to second process the modified existing code version to produce the updated code version; a distribution environment for transferring the update information to the at least one electronic device; a communication link for linking the at least one electronic device and the distribution environment; and a generation environment for generating the update information.

More specifically, Applicants respectfully submit that Gu does not appear to teach or suggest, at least, "...an update environment arranged to first process update information representative of shifting of objects within the existing code version to align with locations of corresponding objects in an updated code version, the first process producing a modified existing code version....", and "...[an update environment arranged to] second process the modified existing code version to produce the updated code version...."

Applicants respectfully submit that Gu does not appear to teach anything regarding "shifting of objects within an existing code version", or with regard to "align[ing] [objects within an existing code version] with locations of corresponding objects in an updated code version", or of "producing a modified existing code version" that is second processed to produce an updated code version, in accordance with Applicant's claim 1. Instead, Gu appears to teach a byte differencing algorithm that "...determines a longest common sub-string (LCS) between the two byte streams and divides each of the two byte streams into sub-streams. The sub-streams include the LCS along with prefix and suffix sub-streams to the LCS. The file differencing algorithm then recursively determines an LCS and divides each sub-stream until a size of the sub-streams is less than a pre-specified size. Byte-level differences are then identified between each of the corresponding sub-streams." (Abstract)

Based at least upon the above, Applicants respectfully submit that Gu does not appear to teach each and every element of Applicants' claim 1, as required by M.P.E.P. §2131, and believe that a rejection of claim 1 under 35 U.S.C. §102(e) cannot be maintained.

Therefore, Applicants believe that claim 1 is allowable over Gu, for at least the reasons set forth above. Applicants respectfully submit that claims 2-15 depend from allowable claim 1 and are, therefore, also allowable for at least the reasons set forth above with respect to claim 1. Applicants respectfully request, therefore, that the rejection of claims 1-15 under 35 U.S.C. §102(e), be withdrawn.

With regard to amended claim 16, Applicants respectfully submit that Gu does not appear to teach, suggest or disclose, for example, a method for updating contents of memory in an electronic device in an updating network having at least one electronic device, a distribution environment, and a generation environment, the method comprising the steps of (a) reading an original image of the contents of memory of the at least one electronic device; (b) reading a new image of the contents of updated memory for the at least one electronic device; (c) comparing a location of an object in the original image of the contents and a location of a corresponding object in the new image of the contents, to produce a bubble representative of shift information; (d) applying the bubble to the original image of the contents to align the object in the original image of the contents with the corresponding object in the new image of the contents; (e) repeating (c) and (d) until all objects of the original image of the contents and the new image of the contents have been compared; (f) saving the original image of the contents with the applied bubbles as a modified original image of the contents; (g) generating an update package comprising information representing differences between the new image of the contents and the modified original image of the contents, and the applied bubbles; (h) transferring the update package to the distribution environment; (i) downloading the update package from the distribution environment to the at least one

electronic device; and (j) updating the original image of the contents in the at least one electronic device to the new image of the contents, using the update package.

More specifically, Applicants respectfully submit that Gu does not appear to teach or suggest, at least, "...applying the bubble [representative of shift information] to the original image of the contents to align the object in the original image of the contents with the corresponding object in the new image of the contents;...", "...saving the original image of the contents with the applied bubbles [representative of shift information] as a modified original image of the contents;...", and "...generating an update package comprising information representing differences between the new image of the contents and the modified original image of the contents, and the applied bubbles [representative of shift information]...."

Applicants respectfully submit that Gu does not appear to teach a "representat[ion] of shift information" related to corresponding objects in original and new memory images, to say anything with respect to applying such information to an original image, does not appear to teach saving such a "modified original image", does not appear to teach an update package comprising difference information and a representation of shift information, and does not appear to teach such an update package being sent to an electronic device for use in updating the electronic device, in accordance with Applicants' claim 16.

Applicants respectfully submit that instead, Gu appears to teach a byte differencing algorithm that "...determines a longest common sub-string (LCS) between the two byte streams and divides each of the two byte streams into sub-streams. The sub-streams include the LCS along with prefix and suffix sub-streams to the LCS. The file differencing algorithm then recursively determines an LCS and divides each sub-stream until a size of the sub-streams is less than a pre-specified size. Byte-level differences are then identified between each of the corresponding sub-streams." (Abstract)

Based at least upon the above, Applicants respectfully submit that Gu does not appear to teach each and every element of Applicants' claim 16, as required by M.P.E.P.

§2131, and believe that a rejection of claim 16 under 35 U.S.C. §102(e) cannot be maintained.

Therefore, Applicants believe that claim 16 is allowable over Gu, for at least the reasons set forth above. Applicants respectfully submit that claims 17-24 depend from allowable claim 16 and are, therefore, also allowable for at least the reasons set forth above with respect to claim 16. Applicants respectfully request, therefore, that the rejection of claims 16-24 under 35 U.S.C. §102(e), be withdrawn.

Newly Added Claims

Applicants have added claims 25-33, that are similar in many respects to claims 16-24. Applicants respectfully submit that new claims 25-33 do not add new matter.
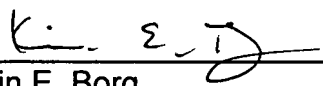
Conclusion

In general, the Office Action makes various statements regarding claims 1-24 and the cited references that are now moot in light of the above. Thus, Applicants will not address such statements at the present time. However, Applicants expressly reserve the right to challenge such statements in the future should the need arise (e.g., if such statements should become relevant by appearing in a rejection of any current or future claim).

The Applicants believe that all of pending claims 1-33 are in condition for allowance. Should the Examiner disagree or have any questions regarding this submission, the Applicants invite the Examiner to telephone the undersigned at (312) 775-8000.

A Notice of Allowability is courteously solicited.

Respectfully submitted,

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